

ORDINANCE NO. 1721

AN ORDINANCE ADOPTING THE "2001 CALIFORNIA MECHANICAL CODE," WHICH CODE PROVIDES REGULATIONS CONTROLLING THE DESIGN, CONSTRUCTION, INSTALLATION, QUALITY OF MATERIALS, LOCATION, OPERATION, AND MAINTENANCE OF HEATING, VENTILATING, COMFORT COOLING, REFRIGERATION SYSTEMS, INCINERATORS AND OTHER HEAT PRODUCING APPLIANCES IN THE CITY OF LODI, PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES THEREFORE; PROVIDING PENALTIES FOR THE VIOLATIONS THEREOF; AND REPEALING AND RE-ENACTING SECTIONS 15.08.010, 15.08.020, 15.08.030, 15.08.040, AND 15.08.050 INCLUSIVE OF THE CODE OF THE CITY OF LODI, AND ALL OTHER ORDINANCES AND PARTS OF THE ORDINANCES IN CONFLICT THEREWITH

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WHEREAS, the City Council of the City of Lodi did on the 16th day of October, 2002, schedule a public hearing on the above-entitled ordinance for November 6, 2002, at the hour of 7:00 p.m. of said day in the Carnegie Forum, 305 West Pine Street, Lodi, California, in accordance with the provisions of Section 60022.1 et seq. of the Government Code; and

WHEREAS, notice of the hearing was published twice in a newspaper of general circulation in accordance with the provisions of Section 50022.3 of the Government Code as appears by the Affidavit of Publication on file therein; and

WHEREAS, at the time set for hearing no protests were received by the City Council.

NOW THEREFORE the City Council of the City of Lodi does ordain as follows:

Section 1. Sections 15.08.010, 15.08.020, 15.08.030, 15.08.040, and 15.08.050 inclusive of the Codes of the City of Lodi are hereby repealed and the same are superseded and replaced by new Sections 15.08.010, 15.08.020, 15.08.030, and 15.08.040 inclusive to read as hereinafter set forth.

Section 2. There is hereby adopted a new section 15.08.010 of the Code of the City of Lodi to read in full as follows:

Sec. 15.08.010 Adoption

The provisions set forth in the "2001 California Mechanical Code," together with appendix thereto, are hereby adopted as the Mechanical Code of the City of Lodi. The Mechanical Code of the City of Lodi shall apply to all matters pertaining to erection, installation, alteration, repair, relocation, replacement, addition to, use, or maintenance of any heating, ventilation, comfort cooling, refrigeration systems, incinerators or other miscellaneous heat-producing appliances; to the issuance of permits and the collection of fees therefore; and the enforcement of the rules and regulations as set forth in said "2001 California Mechanical Code," together with the appendixes thereto, within the City of Lodi.

Section 3. There is hereby adopted a new Section 15.08.020 of the Code of the City of Lodi to read as follows:

Section 15.08.020

Mechanical Permit Fees. A fee for each mechanical permit required by this Code shall be paid to the City of Lodi as set forth in Table No. 1-A as modified herein. Fees shall be paid prior to permit issuance.

TABLE 1 –A

1. For the issuance of each permit	\$20.00
2. For the installation or relocation of each forced-air or gravity-type furnace or burner, including ducts and vents attached to such appliance, up to and including 100,000 BTU's	\$10.00
3. For the installation or relocation of each forced-air or gravity-type furnace or burner, including ducts and vents attached to such appliance, over 100,000 BTU's to and including 500,000 BTU's	\$13.00
4. For the installation or relocation of each forced-air or gravity-type furnace or burner, including ducts and vents attached to such appliance, over 500,000 BTU's	\$16.00
5. For the installation or relocation of each floor furnace, including vent	\$10.00
6. For the installation or relocation of each suspended heater, recessed wall heater or floor mounted unit heater.	\$10.00
7. For the installation, relocation or replacement of each appliance vent installed and not included in an appliance permit.	\$ 5.00
8. For the repair of, alteration of, or addition to each heating appliance, refrigeration unit, cooling unit, absorption unit, or each heating, cooling, absorption, or evaporative cooling system, including installation of controls regulated by this code	\$10.00
9. For the installation or relocation of each boiler or compressor to and including three horsepower, or each absorption system to and including 100,000 BTU's	\$10.00
10. For the installation or relocation of each boiler or compressor over three horsepower to and including 15 horsepower, or each absorption system over 100,000 BTU's to and including 500,000 BTU's	\$18.00

11. For the installation or relocation of each boiler or compressor over 15 horsepower to and including 30 horsepower, or each absorption system over 500,000 BTU's and including 1,000,000 BTU's	\$25.00
12. For the installation or relocation of each boiler or compressor over 30 horsepower to and including 50 horsepower, or each absorption system over 1,000,000 BTU's to and including 1,750,000 BTU's	\$36.00
13. For the installation of or relocation of each boiler or refrigeration compressor over 50 horsepower, or each absorption system over 1,750,000 BTU's	\$61.00
14. For each air handling unit to and including 10,000 cubic feet per minute, including ducts attached thereto	\$ 7.00
NOTE: This fee shall not apply to an air-handling unit which is a portion of a factory assembled appliance, cooling unit, evaporative cooler or absorption unit for which a permit is required elsewhere in this Code.	
15. For each air handling unit over 10,000 cubic feet per minute	\$12.00
16. For each evaporative cooler other than portable type	\$ 7.00
17. For each ventilation fan connected to a single duct	\$ 5.00
18. For each ventilation system which is not a portion of any heating or air conditioning system authorized by a permit	\$ 7.00
19. For the installation of each hood which is served by mechanical exhaust, including the ducts for hood	\$ 7.00
20. For each appliance or piece of equipment regulated by this Code but not classed in other appliance categories, or for which no other fee is listed in this Code	\$ 7.00
21. For single or multi-family building, the following flat rate shall apply	\$.035 per SF
22. Appliance inspection (PG&E)	\$20.00

OTHER INSPECTION FEES AND REFUNDS

1. Inspections outside of normal business hours (Minimum charge – 3 hours)	\$45.00
2. Reinspection fee assessed under provision of Section 305.(f)	\$35.00
3. Inspections for which no fee is specifically indicated (Minimum charge – one-half hour)	\$34.00

4. Additional plan review required by changes, additions or revisions to approved plans
(Minimum charge – one-half hour) \$34.00
5. Refunds on all permits shall be subject to a \$35.00 administrative processing fee.

Section 4. There is hereby adopted a new Section 15.08.030 of the Code of the City of Lodi to read as follows:

Section 15.08.030

Section 304. Installation. The Uniform Mechanical Code adopted in Section 15.08.010, is amended to read as follows:

Section 304.5.1. Location of heating and cooling equipment. Heating, cooling, and swimming pool equipment shall not be located within the required five-foot side yard setback as defined by the City of Lodi Zoning Ordinance for residential zonings.

Section 5. There is hereby adopted a new Section 15.08.040 of the Code of the City of Lodi to read in full as follows:

Sec. 15.08.040 Violation – Misdemeanor

- A. It shall be unlawful for any person, to erect, install, alter, repair, relocate, add to, replace, use, or maintain heating, ventilating, comfort cooling, or refrigeration equipment in the jurisdiction, or cause the same to be done, contrary to or in violation of any of the provision of this Code. Maintenance of equipment which was unlawful at the time it was installed and which would be unlawful under this Code if installed after effective date of this Code, shall constitute a continuing Violation of this Code.
- B. Any person, firm, or corporation violating any provision of this Code shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punishable by a fine and/or imprisonment set forth by the governing laws of the jurisdiction. Each a separate day or any portion thereof, during which any violation of this Code occurs or continues, shall be deemed to constitute a separate offense.

Section 6 – No Mandatory Duty of Care: This ordinance is not intended to and shall not be construed or given effect in a manner which imposes upon the City, or any officer or employee thereof, a mandatory duty of care towards persons or property within the City or outside if the City so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

Section -7 – Severability: If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application. To this end, the provisions of this ordinance are severable. The City Council hereby declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof.

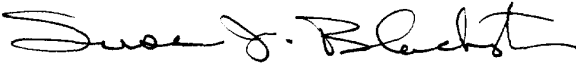
Section 8: All ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.

Section 9: This ordinance shall be published one time in the "Lodi News Sentinel," a daily newspaper of general circulation printed and published in the City of Lodi and shall be in force and take effect thirty days from and after its passage and approval.

Approved this 20th day of November, 2002


PHILLIP A. PENNINO
Mayor

Attest:



SUSAN J. BLACKSTON
City Clerk

State of California
County of San Joaquin, ss.


I, Susan J. Blackston, City Clerk of the City of Lodi, do hereby certify that Ordinance No. 1721 was introduced at a regular meeting of the City Council of the City of Lodi held November 6, 2002, and was thereafter passed, adopted and ordered to print at a regular meeting of said Council held November 20, 2002 by the following vote:

AYES:	COUNCIL MEMBERS – Hitchcock, Howard, Land, Nakanishi, and Mayor Pennino
NOES:	COUNCIL MEMBERS – None
ABSENT:	COUNCIL MEMBERS – None
ABSTAIN:	COUNCIL MEMBERS – None

I further certify that Ordinance No. 1721 was approved and signed by the Mayor on the date of its passage and the same has been published pursuant to law.


SUSAN J. BLACKSTON
City Clerk

Approved as to Form:


RANDALL A. HAYS
City Attorney